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Human resources management

Activities of the Ethics Office

Report of the Secretary-General

Summary

The present report responds to General Assembly resolution 60/254 entitled "Review of the efficiency of the administrative and financial functioning of the United Nations" in which the Assembly requested annual reporting on the activities of the Ethics Office and the implementation of ethics policies. The report is also submitted in the context of Assembly resolution 63/250 of 2008 on "Human resources management" in which the Assembly, having welcomed the establishment of the United Nations Ethics Committee, requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant.

The present report covers the period from 1 August 2008 to 31 July 2009.

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I. Introduction

1. The present report, the fourth since the establishment of the Ethics Office in January 2006, has been prepared pursuant to General Assembly resolution 60/254, paragraph 16 (i), in which the Assembly requested annual reporting on the activities of the Ethics Office and the implementation of ethics policies, for the consideration and decision of the Assembly, as appropriate, under the agenda item on human resources management.

2. The report is also submitted in response to General Assembly resolution 63/250 entitled "Human resources management", in which the Assembly, having welcomed the establishment of the United Nations Ethics Committee, requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant.

3. In this regard, the Secretary-General wishes to submit, through the present report, the system-wide Code of Ethics for United Nations personnel, which has been developed in response to General Assembly resolution 60/1, for the consideration and endorsement by the Assembly.

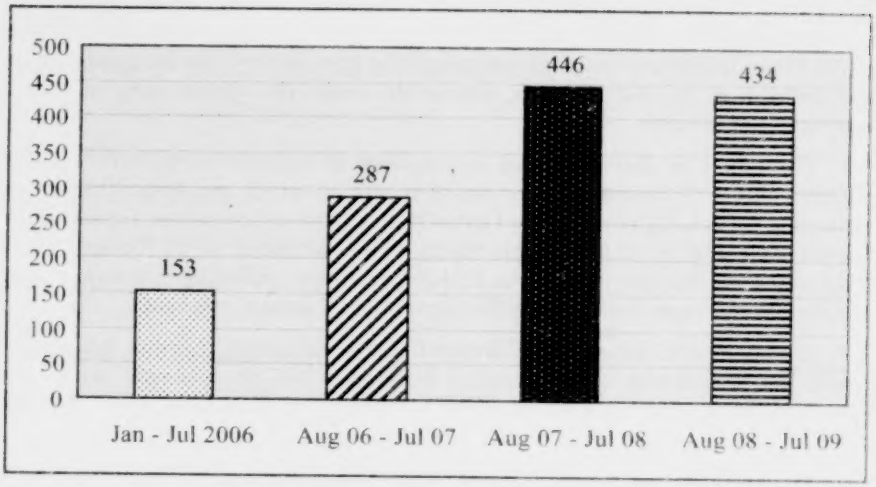
4. In relation to the United Nations Ethics Committee, and in accordance with section 4.3 of Secretary-General's bulletin ST/SGB/2007/11 entitled "United Nations system-wide application of ethics: separately administered organs and programmes", a summary of all cases referred to the Chairperson of the Committee is included in the present report.

II. Background and general information

5. The establishment of the independent Ethics Office in the United Nations Secretariat was approved by the General Assembly at the 2005 World Summit (resolution 60/1, para. 161 (d)), in the context of the overall Secretariat and management reform initiatives. The Office commenced operation on 3 January 2006.

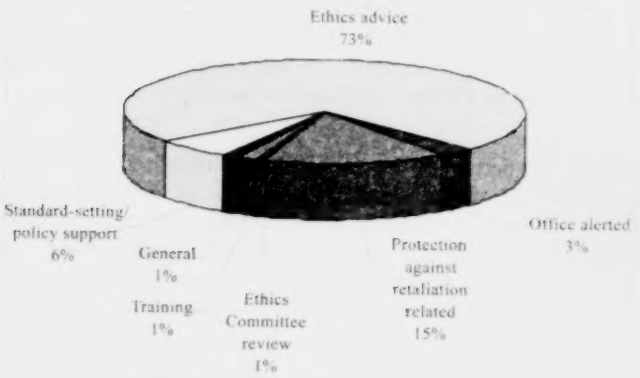
6. During the current reporting period from 1 August 2008 through 31 July 2009, the Ethics Office continued to receive a significant volume of demand for its services, with a total of 434 requests, covering a broad range of ethics issues, from outside activities, gift acceptance, policy advice, standard-setting support, to financial disclosure and protection against retaliation. Figure I shows the comparison of the corresponding figures for the period 2006-2009.

Figure I
Volume of requests by reporting cycle
(January 2006-July 2009)



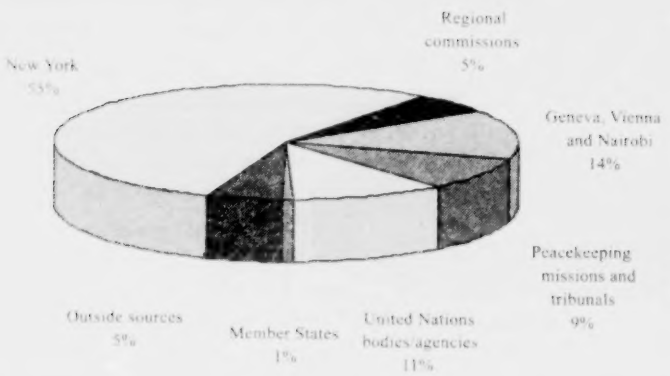
7. Figure II provides the breakdown of requests by category for the current reporting period.

Figure II
Volume of requests by category
(1 August 2008-31 July 2009)



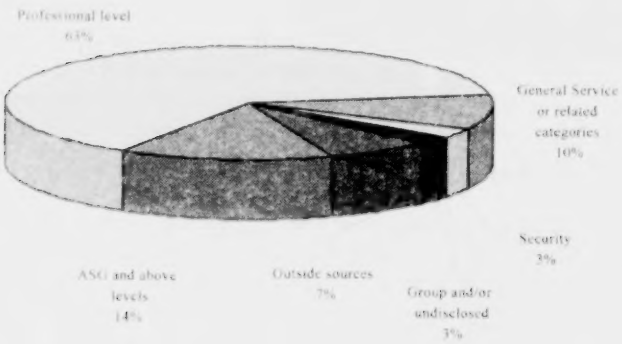
8. Requests for Ethics Office services came from diverse geographical and organizational sources, as illustrated in figure III below. The majority of requests for services of the Ethics Office came from New York-based personnel (55 per cent). As compared with the previous reporting period, service demand increased slightly from United Nations bodies and agencies (from 9 to 11 per cent) and from staff serving at the United Nations Offices at Geneva, Vienna and Nairobi (from 11 to 14 per cent).

Figure III
Volume of requests by source
(1 August 2008-31 July 2009)



9. In terms of the professional grade of enquiring personnel, the Ethics Office delivered its services to staff and management at various levels across the Secretariat. As shown in figure IV, requests from Professional staff account for 63 per cent of the total volume, representing an increase of 3 per cent compared to the previous reporting cycle. It is noteworthy that the demand from senior managers at the Assistant Secretary-General level and above, as well as from the General Service and related categories remained at comparable levels (14 per cent and 10 per cent of the total volume, respectively).

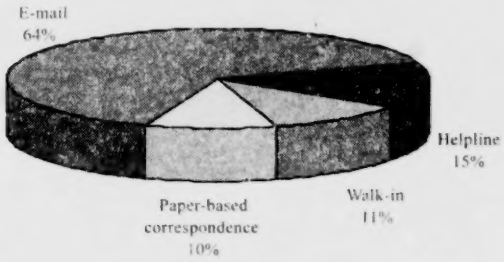
Figure IV
Volume of requests by grade
(1 August 2008-31 July 2009)



10. Regarding the mode of contact with the Ethics Office, 64 per cent of the requests were received via e-mail correspondence, 15 per cent via the helpline, 11 per cent as walk-in visits, and 10 per cent through paper-based correspondence,

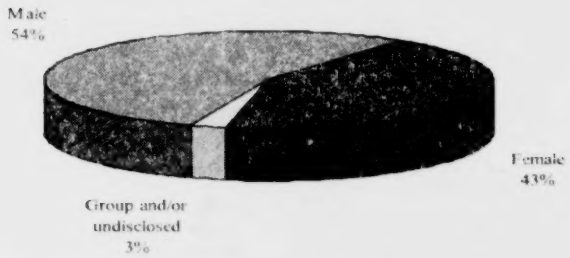
as illustrated in figure V. The data suggests that email correspondence continued to be the preferred mode for the majority of personnel to contact the Ethics Office.

Figure V
Volume of requests by mode of contact
(1 August 2008-31 July 2009)



11. It should also be noted that more than half of the requests for ethics services came from male personnel (54 per cent), while the corresponding figure for female personnel was 43 per cent (see figure VI).

Figure VI
Volume of requests by gender
(1 August 2008-31 July 2009)



12. The Ethics Office attaches great importance to risk assessment and security of information which are cornerstones to ensure its effective functioning, in view of the confidential nature of its work and the information it handles.

13. The Ethics Office requested the ICT Quality Assurance and Risk Management Section of the Information Technology Services Division, Office of Information and Communications Technology to perform a comprehensive risk assessment of the Ethics Office information systems and data. The Quality Assurance team conducted an in-depth risk analysis which was used to determine measures to be implemented

to protect the continued confidentiality, integrity and availability of information and to ensure the continued functioning of information technology systems. Built upon the outcome of the analysis, a report was provided on 24 November 2008. The risk treatment plan of the report included 31 recommendations, all of which are being implemented by the Ethics Office in close cooperation with and supported by the Quality Assurance team.

14. A risk assessment review of the functioning of the Ethics Office was conducted by the Office of Internal Oversight Services (OIOS) in 2008 for audit planning purposes. The OIOS report on the review, issued on 21 November 2008, identified a number of risk levels which have served to assist the Ethics Office in identifying, evaluating and addressing potential exposures to risk.

15. The Ethics Office was included in a horizontal audit of data privacy in the United Nations Secretariat, conducted by OIOS in the course of 2008. The Ethics Office has responded to the recommendations made by OIOS in its draft report on the audit of the Ethics Office prepared in May 2009.

III. Activities of the Ethics Office and implementation of ethics policies

A. Standard-setting and policy support

16. Developing ethical standards is a key function of the Ethics Office, as stipulated in the Secretary-General's bulletin on the establishment of the Office (ST/SGB/2005/22).

17. During the reporting period, the Ethics Office, through the role of its Director as Chairperson of the United Nations Ethics Committee, continued to provide substantive leadership in the development, consultation and finalization of the system-wide Code of Ethics for United Nations personnel. Detailed information regarding this process is provided in chapter IV (United Nations Ethics Committee) and chapter V (system-wide Code of Ethics for United Nations personnel) of the present report.

18. Furthermore, the Ethics Office, as secretariat to the United Nations Ethics Committee, played a key role in the review of existing policies on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations. The review will assist in identifying the gaps in the policies of the Secretariat and United Nations funds and programmes, which are members of the United Nations Ethics Committee, with a view to harmonizing ethical standards in this area.

19. The Ethics Office assisted the Procurement Division in the development of relevant standards and procedures and in the review of cases involving vendors who are under investigation, or have been accused, convicted or involved in litigation in which they are alleged to have engaged or did engage in fraudulent, corrupt or unethical practices. The Director of the Ethics Office will assume the chairmanship of the United Nations Senior Vendor Review Committee, which was announced in July 2009 in implementation of the measures contained in the report of the Secretary-General on United Nations procurement reform (see A/60/846/Add.5 and Corr.1).

20. The Ethics Office provided substantive contributions and support to the International Civil Service Commission (ICSC) on issues relating to the Standards of Conduct for the International Civil Service and the system-wide Code of Ethics for United Nations personnel, including a presentation on the development of the Code of Ethics at the sixty-ninth session of ICSC, held in July 2009. ICSC has decided to undertake an initial review of the Standards of Conduct.

21. The Ethics Office played a key role in the review and revision of Secretary-General's bulletin ST/SGB/2006/6 entitled "Financial disclosure and declaration of interest statements". Consultations on the revised bulletin are currently under way.

22. The policy on the acceptance of gifts has been under review, with a view to updating the relevant standards, taking into account the global nature of the work of the United Nations and evolving demands and circumstances. In this regard, the Ethics Office prepared a draft administrative instruction that addresses the disclosure, storage and, as appropriate, disposal of gifts. The draft document is currently being considered in the formal consultative process.

23. The Ethics Office is a member of an interdepartmental group tasked with preparing the second report of the Secretary-General to the General Assembly on the accountability framework, enterprise risk management and internal control framework and result-based management framework. It has provided substantive input in relation to promoting and safeguarding ethical standards within the accountability framework.

24. Furthermore, the Ethics Office is a member of the Task Force on Investigations of the United Nations Secretariat. The scope of work of the Task Force is to: review all types of investigations being conducted in the Secretariat, other than those conducted by OIOS; make suggestions on the need to improve systems; examine the steps that would be required to implement changes; and determine the terms of reference, which have been requested by the General Assembly in its resolution 62/247. As such, the Ethics Office actively participates in the Task Force.

25. The Ethics Office also regularly provided support to the Management Performance Board of the Secretariat.

26. It should be noted that the main responsibilities of the Ethics Office have been expanded over the course of the period 2008-2009. With the establishment of the United Nations Ethics Committee in January 2008, the Director of the Ethics Office provides functional leadership in his capacity as the Committee Chairperson, and the Office provides full substantive coordination and support as the secretariat to the Committee. Among the additional areas of responsibility is the assumption by the Director of the Ethics Office of the case review function under section 4.3 of ST/SGB/2007/11, as the Chairperson of the United Nations Ethics Committee. Furthermore, in cases of non-appointment or non-designation of an Ethics Officer within a United Nations fund or programme, the responsibilities assigned to that role have thus far been assumed by and added to the mandate of the Office. The expansion in the mandated responsibilities of the Ethics Office has contributed to an increasing work volume, while the resources allocated for it over the biennium have remained the same, thus impacting upon the ability of the Office to respond in a timely manner to the demand for its services.

B. Training, education and outreach

27. The Ethics Office is mandated to develop training and education on ethics issues and, in collaboration with the Office of Human Resources Management, to ensure annual ethics training for all staff, to enhance awareness of ethics, integrity and accountability.

28. The mandatory online learning programme "Integrity awareness initiative" (see ST/SGB/2005/17) is accessible in English and French and directed at staff members at all levels. Since its launch in 2005, over 24,200 staff members and other personnel have completed the programme, of which almost 8,900 in the period from 1 August 2008 to 31 July 2009.

29. The workshop entitled "Working together: professional ethics and integrity in our daily work" continued to be conducted at Headquarters and other offices and duty stations during the period under review, with a roll-out of ethics training and a train-the-trainer exercise at the Economic Commission for Latin America and the Caribbean (ECLAC) in 2008. Capacity is now in place to deliver the workshop in English, French and Spanish. Since its launch in 2006, 9,300 staff members across the global Secretariat have participated in the workshop, of whom over 3,000 staff members participated in 122 sessions in the reporting period.

30. In response to increasing requests, special/customized sessions of the workshop have been integrated into broader training programmes for field-based staff members at different duty stations. In the period under review, such sessions were arranged for the Office for the Coordination of Humanitarian Affairs, the United Nations information centres, the United Nations Environment Programme (UNEP), the United Nations Truce Supervision Organization [Middle East], the Office of the United Nations Special Coordinator for the Middle East Peace Process and the United Nations Interim Force in Lebanon groups in Bangkok, Beirut, Jerusalem, Nairobi, New York and Paris.

31. In order to further expand the coverage of the workshop, a teleconferencing version was tested in June 2009 by ECLAC, linking up staff members in Mexico City with groups in Brasilia and Washington, D.C. The United Nations Office in Vienna, the United Nations Office for Drugs and Crime and the Economic and Social Commission for Asia and the Pacific are expected to build on this first ethics training initiative via teleconferencing to offer sessions of the workshop at their field and regional offices.

32. The customized workshop "Ethics and integrity in procurement", a joint initiative of the Ethics Office, the Office of Human Resources Management and the Procurement Division, continued to be conducted in the reporting period. The workshop is mandatory for staff members of the Procurement Division and is recommended for others with procurement-related responsibilities. Almost 600 staff members had participated in workshops sessions as at 31 July 2009, of whom 120 in the reporting period.

33. Commitment to the integration of ethics training into broader learning initiatives was also reflected in ethics-related programme modules in the following areas: orientation sessions for new staff members, junior professional officers and members of the central review bodies, and in the training programmes on human resources management, supervisory skills and General Service staff development.

34. Great efforts have been made by the Ethics Office in communicating and clarifying its mandates and responsibilities to staff at large, through staff and management briefings, staff orientation, regular trainings and other mechanisms. These are aimed at ensuring that staff members have a clear understanding of the role, functions and jurisdiction of the Ethics Office and its relationship vis-à-vis other offices, such as the Office of the Ombudsman and OIOS.

35. In an effort to reach out to staff based outside Headquarters, the Director of the Ethics Office visited the United Nations Office at Nairobi, UNEP, the United Nations Human Settlements Programme (UN-Habitat) and the Economic Commission for Africa in March and April 2009 and met with management and staff representatives. Town hall presentations were also made to clarify the functions of the Ethics Office in order to help staff better understand the responsibilities and services provided by the Office.

36. During the first half of 2009, the Ethics Office collaborated with the Office of Human Resources Management, the Department of Peacekeeping Operations and the Department of Field Support to provide substantive support for the delivery of an ethics module in the orientation programme for newly created field-based central review bodies to oversee the field staff rostering process. Three sessions were held in the first half of 2009 in Uganda and Haiti at the training facilities of the United Nations Organization Mission in the Democratic Republic of the Congo and the United Nations Stabilization Mission in Haiti for groups of staff members from all Department of Peacekeeping Operations field missions.

37. Briefings and information sessions were held for other departments/offices, including the Office of Legal Affairs, the Department of Peacekeeping Operations (the senior leadership programme), judges of the new administration of justice system, and senior managers of the Department of Economic and Social Affairs of the United Nations Secretariat.

38. In order to keep itself abreast of the current debate, as well as policies and practices on ethics issues beyond the United Nations, the Ethics Office participates in professional associations and attended professional or specialized conferences, such as those organized by the Ethics and Compliance Officer Association, the Conference of Governmental Ethics Laws and the Conference of International Investigators during the reporting period. Its participation in professional or sectoral meetings provided an opportunity to interact with counterparts in other public sector institutions and in the private sector and to learn about best practice principles of an effective ethics programme.

39. Information on ethics policies and the work and services of the Ethics Office is disseminated through various means, including its Intranet website, accessible on iSeek on the website on reform under the Secretary-General (with a page devoted to ethics and integrity) and the distribution of educational and outreach materials developed by the Office.

40. During June 2009, the Ethics Office undertook an awareness and satisfaction survey across the global Secretariat. The purpose of the survey was to gauge staff awareness of the Organization's ethics infrastructure and the functions of the Ethics Office. The survey was intended to help understand the satisfaction level of staff in general with the services rendered by the Office, with a view to strengthening its

responsiveness, especially in reaching out to staff and encouraging greater use of its services.

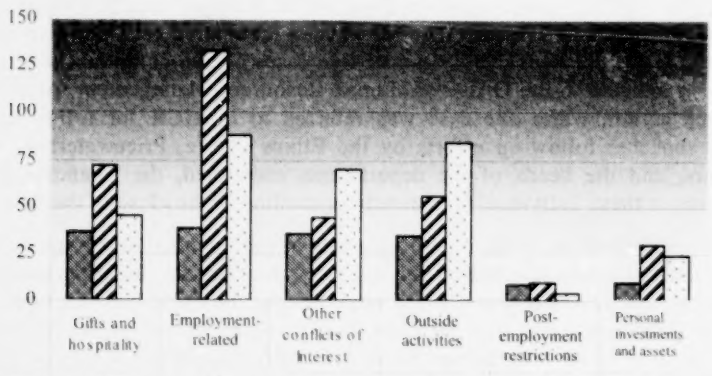
C. Advice and guidance

41. The Ethics Office plays an important preventive advisory role by providing confidential ethics advice to staff, management and departments/offices, as appropriate and required. It serves as an office from which staff and management can seek advice and guidance on appropriate action to be taken under a certain range of circumstances in order to be in line with the Organization's values, principles and standards of conduct.

42. In providing advice and guidance, the Office seeks to prevent, identify or manage actual, apparent or potential conflicts of interest and does not replace existing mechanisms for reporting wrongdoing.

43. During the period under review, the Ethics Office received 315 requests for advice on a wide range of ethics-related concerns. As illustrated in figure VII, these concerns can be grouped into various categories.

Figure VII
Requests for ethics advice by issue and cycle
(1 August 2006-31 July 2009)



44. Ethics advice and guidance may involve clarifying or interpreting the Organization's standards concerning certain outside activities. Based on the facts presented, the Office provides advice and guidance on the appropriate course of action to ensure that the issue is resolved in the interest of the United Nations.

45. In addition, the Ethics Office responded to a number of enquiries from other United Nations entities on information-sharing, best practices, policies, and ethics advice and guidance. These include the United Nations University, the United Nations Population Fund (UNFPA), the United Nations High Commissioner for

Refugees (UNHCR), the World Food Programme (WFP), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Framework Convention on Climate Change, the United Nations Development Programme (UNDP), the World Health Organization, the United Nations Office for Project Services (UNOPS), the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund (UNICEF), the International Civil Aviation Organization, the International Atomic Energy Agency, the United Nations Research Institute for Social Development and the Joint United Nations Programme on HIV/AIDS.

D. Financial disclosure programme

46. The Ethics Office is mandated to administer the financial disclosure programme as a means of managing organizational risks and maintaining and enhancing public trust in the integrity of the Organization.

47. For the 2008 filing cycle (beginning on 1 March 2008), a total of 3,118 staff members were required to file, using the established online financial disclosure filing system. The 2008 filing cycle covered the period from 1 January-31 December 2007.

48. As of the programme closing date, a total of 99.16 per cent of staff (or 3,092 participants) had fully complied with filing obligations. This compliance rate represents a significant improvement as compared to the 2007 filing cycle (92 per cent or 2,329 staff members). A total of 0.83 per cent (or 26 participants) failed to fulfil their disclosure requirements, as compared to 7 per cent (172 staff members) in the previous cycle. Twenty-five cases of non-compliant staff members have been referred to the Office of Human Resources Management for appropriate follow-up action, while one case was referred to UNHCR for follow-up action. Despite repeated follow-up efforts by the Ethics Office, PricewaterhouseCoopers reviewers, and the heads of the departments concerned, the financial disclosure statements of these individuals remained outstanding at the close of the filing cycle.

49. The improvement in the compliance rate of the financial disclosure programme may be attributed to a number of factors. First, the tone and importance attached to the programme was established in the beginning of the cycle with a communication from the Secretary-General to all individual participants, outlining the importance and his support of the programme. Second, the full compliance by senior officials at the Under-Secretary-General and Assistant Secretary-General levels demonstrated commitment by the Organization. Third, the Ethics Office increased its follow-up efforts with heads of departments and of participating entities, as well as with individual staff. In addition, the technical enhancements to the system, including the migration of the information of prior year statements to the current year, reduced the amount of time the individual had to spend during the filing process, all of which contributed to facilitating their compliance with programme requirements.

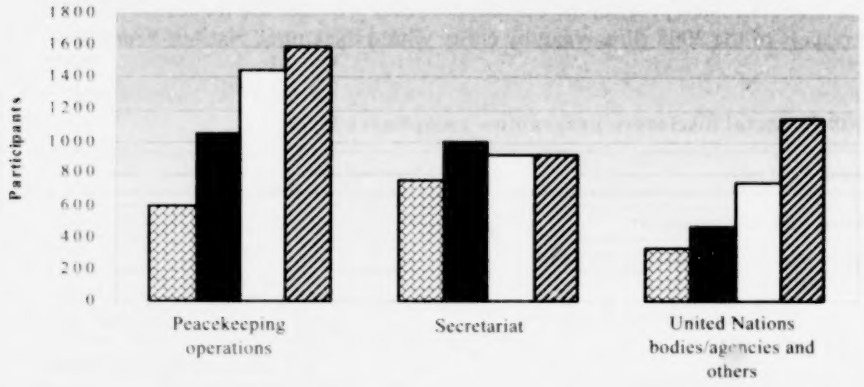
50. In addition to the review process, another important and integral part of the financial disclosure programme, the "verification process", is conducted at random among staff members of all grades and offices, to validate the information disclosed in randomly selected financial disclosure statements and to ensure completeness of the information disclosed. A total of 130 filing staff were selected for the verification process, of which 96 per cent provided complete third-party

documentation by the closing date, as compared to 89 per cent in the previous cycle. However, there was no case of failure to provide third-party documentation as compared to 5 per cent in the 2007 filing cycle.

51. Regarding the 2009 filing cycle (commencing on 1 March 2009), a total of 3,657 staff members were enrolled as of 25 June 2009, representing an increase of 11.7 per cent as compared to the previous cycle.

52. Figure VIII presents a comparison of the participation levels between the four filing cycles of the financial disclosure programme, including a breakdown by organizational grouping. The most notable increases were from peacekeeping operations and United Nations bodies/agencies.

Figure VIII
Financial disclosure participation by entity and filing year (2006-2009)[a]



	Peacekeeping operations	*Secretariat*[b]	*United Nations bodies/agencies and others*	***Total by year***
2006	603	762	339	**1 704**
2007	1 062	997	469	**2 528**
2008	1 449	919	750	**3 118**
2009[c]	1 601	913	1 143	**3 657**

[a] "Filing year" refers to the year in which a disclosure statement or declaration is submitted covering the reporting period from 1 January to 31 December of the prior year.
[b] The grouping "Secretariat" refers to the departments/offices and entities that are listed in ST/SGB/1997/5 and whose budget is covered from the United Nations regular budget.
[c] Data as at 25 June 2009.

53. The continued overall increase in the number of participants in the 2009 filing cycle is likely to reflect a higher level of awareness of programme managers as to the need to reduce organizational risks, manage potential conflicts of interest and enhance trust in the Organization in relation to the performance of official duties and responsibilities by its staff.

54. The financial disclosure programme is administered by the Ethics Office to staff in various parts of the United Nations family on a cost-sharing basis, with the United Nations Institute for Disarmament Research and United Nations Interregional Crime and Justice Research Institute as the latest institutional participants. The Ethics Office continues to liaise with other United Nations bodies and agencies who have not yet implemented a financial disclosure programme, or who are in the process of establishing their own financial disclosure programme in order to enhance policy coherence and practices.

55. In its report on human resources management (A/63/526), the Advisory Committee on Administrative and Budgetary Questions recommended that in future reports on the activities of the Ethics Office, the Secretary-General provide clear and precise data, by duty station, on the number of individuals covered by the programme, the number of individuals who have complied with their filing obligations, the number of individuals who have failed to comply with those obligations and the reasons for their failure to comply. The table on the 2008 financial disclosure programme compliance level provides the requested information in respect of the 2008 filing year, by entity within the United Nations Secretariat.

Table
2008 financial disclosure programme compliance level

United Nations entity	*Required filers*	*Completed filings*	*Non-compliant(s)*
United Nations Secretariat			
United Nations Chief Executives Board for Coordination	1	1	—
Counter-Terrorism Committee Executive Directorate	4	4	—
Department of Disarmament Affairs	6	6	—
Department for General Assembly and Conference Management	31	31	—
Department of Economic and Social Affairs	65	64	1
Department of Management	130	130	—
Department of Political Affairs	33	33	—
Department of Public Information	40	40	—
Department of Safety and Security	10	10	—
Ethics Office	9	9	—
Executive Office of the Secretary-General	29	29	—
Office for the Coordination of Humanitarian Affairs	17	17	—
Office of Internal Oversight Services	13	13	—
Office of Legal Affairs	25	25	—
Office of the Special Representative of the Secretary-General for Children and Armed Conflict	1	1	—
Office of the United Nations High Commissioner for Human Rights	16	16	—
Office of the Ombudsman	2	2	—

United Nations entity	*Required filers*	*Completed filings*	*Non-compliant(s)*
Office of the Special Adviser on Africa	2	2	—
Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States	3	3	—
Peacebuilding Support Office	5	5	—
United Nations Conference on Trade and Development	25	23	2
United Nations Office at Geneva	69	69	—
United Nations Office at Nairobi	44	43	1
United Nations Office at Vienna	10	10	—
United Nations Office on Drugs and Crime	40	40	—
United Nations Scientific Committee on the Effects of Atomic Radiation	1	1	—
Economic and Social Commission for Asia and the Pacific	42	42	—
Economic and Social Commission for Western Asia	29	29	—
Economic Commission for Africa	55	55	—
Economic Commission for Europe	8	8	—
Economic Commission for Latin America and the Caribbean	54	54	—
Subtotal (excluding peacekeeping operations)	**919**	**915**	**4**
Peacekeeping operations	**1 449**	**1 429**	**20**
United Nations agencies/bodies and others	**750**	**748**	**2**
Total	**3 118**	**3 092**	**26**

56. The number of senior United Nations officials (at the Assistant Secretary-General level and above) participating in the voluntary public disclosure programme increased in the reporting period, from 120 in 2007 to 149 in 2008. This most likely occurred because of increased awareness and acceptance of the programme. The 2008 voluntary public disclosures of the Under-Secretaries-General and Assistant Secretaries-General are posted on the Secretary-General's website.

57. In February 2009, the Ethics Office initiated the process of conducting a third-party feasibility study, as requested in the report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.14), regarding the possible assumption by the Ethics Office of the financial disclosure review functions currently being undertaken by PricewaterhouseCoopers. The objective of the proposed feasibility study is to determine the advantages, disadvantages and costs of the potential assumption of the review functions by the Ethics Office, taking into full consideration the institutional relevance, cost-effectiveness and sustainability, confidentiality, as well as the information management and information technology requirements of the programme at the United Nations. Once available, the findings

and recommendations of the in-depth analysis would be submitted to the General Assembly for consideration.

58. The current contract with PricewaterhouseCoopers ends on 5 December 2009. However, given that a decision from the General Assembly will not be forthcoming before the expiration of the current contract, negotiations between PricewaterhouseCoopers and the United Nations Secretariat are under way regarding a possible extension of the contract, as required.

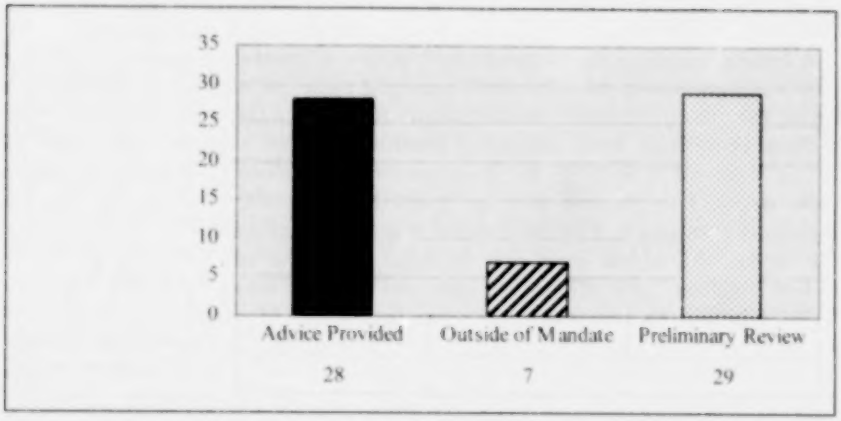
E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

59. The policy on the protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations entered into force on 1 January 2006, with the promulgation of Secretary-General's bulletin ST/SGB/2005/21. The bulletin formalizes protective measures for staff members under threat of, or experiencing, retaliation for duly reporting misconduct or for cooperating with duly authorized audits or investigations. Once a prima facie case has been determined to exist, the policy shifts the burden of proof onto the Organization, requiring the Administration to show that it would have taken the same alleged retaliatory action absent the fact that the individual reported misconduct or cooperated with a duly authorized audit or investigation.

60. From 1 August 2008 to 31 July 2009, the Ethics Office received 64 requests related to protection against retaliation, of which 29 were deemed to warrant preliminary review. The preliminary review process involves a review of documentation submitted by the complainant and fact-finding in order to determine if there is independent and corroborated information in support of the complaint of retaliation. If the Office finds a prima facie case of retaliation, it then refers the matter to OIOS for investigation.

61. It must be noted that, based on its experience during the past three years, the Office has undertaken a revision of the classification of requests related to protection against retaliation in order to capture more accurately the actions taken by the Office in that area. Figure IX provides the numbers for the current reporting cycle based on the revised categorization of the requests.

Figure IX
Actions taken on requests for protection
(1 August 2008-31 July 2009)



62. During this reporting period, of the 29 cases which warranted a preliminary review, the Ethics Office concluded its review of 13 cases: in 10 cases, it was determined that there was no prima facie case of retaliation, while in 3 instances, the requests were either withdrawn or abandoned by the complainants. The preliminary review process is still under way in relation to the remaining 16 cases.

63. Of the remaining 35 complaints, 7 were determined to fall outside the scope of the mandate and 28 staff members were provided with advice and guidance regarding the scope and application of the policy and the necessary conditions precedent to the commencement of a preliminary review, as well as the possible corrective measures available in the event that retaliation is established. During the reporting period, there were also several instances where staff sought advice in relation to a fear of future retaliation for having engaged in a protected activity. It is worth noting that the increase in the number of requests related to the implementation of the protection against retaliation policy (64 requests in the current reporting cycle as compared to 45 requests in the previous cycle), can be largely attributed to the significant rise in the number of instances where staff sought advice from the Office in relation to the policy itself. This increase would seem to indicate a growing interest in and awareness of this part of the Office's mandate.

64. The Office also noted that the majority of matters that fell outside of the Office's mandate, or for which advice was provided, involved reporting abuse of authority, harassment or irregularities in the recruitment, appointment and promotions processes. In addition, the Office observed that there was misunderstanding about what constituted a protected activity, in particular a report of misconduct within the meaning of the bulletin.

65. In the previous cycle, it was reported that 11 cases remained under review and 5 were in the initial assessment phase. Of these cases, 14 were deemed to warrant preliminary review, whereas in 2 cases, the Ethics Office provided advice about the policy itself and the conditions necessary to be eligible for protection against retaliation. Of the 14 cases that warranted a preliminary review, the Office

concluded its review of 10 cases. Of the 10 cases, the Office determined that there was a prima facie case of retaliation in 1 case, which was subsequently referred to OIOS for investigation. In two instances, the requests were either withdrawn or abandoned by the complainants. The preliminary review of the remaining 2 cases is currently in progress.

66. A serious lacuna in the Organization's policy of protection against retaliation has come to light during the 2008-2009 reporting cycle. As mentioned in paragraph 65 above, the Office completed its preliminary review of a complaint received in the 2007-2008 cycle and, after making a determination of a prima facie case of retaliation, referred it to OIOS for investigation. The Office of Internal Oversight Services declined to proceed with an investigation, based upon the operational independence provided to it by the General Assembly in its resolution 48/218 B. The Ethics Office was of the view that in order to implement fully the policy of protection against retaliation, as set out in Secretary-General's bulletin ST/SGB/2005/21, an investigation was necessary in order to allow the Administration to discharge its burden of proof and enable the Organization to take corrective measures, if retaliation was then established. An opinion from the Office of Legal Affairs confirmed that, based upon the above-mentioned Assembly resolution, OIOS did have the discretionary authority to decide whether or not to investigate a matter and could not be compelled to investigate a case referred by the Ethics Office, even though the Secretary-General has, by the issuance of ST/SGB/2005/21, mandated OIOS to conduct an investigation. This is a matter that needs to be addressed by the Organization.

IV. United Nations Ethics Committee

67. The United Nations Ethics Committee was established in January 2008 by Secretary-General's bulletin ST/SGB/2007/11 entitled "United Nations system-wide application of ethics: separately administered organs and programmes". The main responsibilities of the Committee are to establish a unified set of ethical standards and policies of the United Nations Secretariat and of the separately administered organs and programmes, and to consult on certain important and particularly complex cases and issues having United Nations-wide implications raised by any ethics office or the Chairperson of the Ethics Committee.

68. Consisting of the heads of the ethics offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat, as at 31 July 2009, membership of the United Nations Ethics Committee includes the following entities: the Ethics Office, UNDP, UNICEF, UNFPA, UNOPS, WFP, UNRWA and UNHCR. The United Nations Institute for Disarmament Research, the United Nations Research Institute for Social Development, and the United Nations Interregional Crime and Justice Research Institute officially requested the Ethics Office to deliver ethics functions regarding their staff.

69. The Committee is chaired by the Director of the Ethics Office of the United Nations Secretariat, who provides functional leadership to all Ethics Officers of the separately administered organs and programmes, in order to promote the building and developing of capacity, including adequate levels of professionally qualified resources, and to ensure adherence to consistent methodology in the delivery of

ethics-related services (see Secretary-General's bulletin ST/SGB/2007/11, sections 2.3 and 5.1).

70. During the period from August 2008 to July 2009, the United Nations Ethics Committee met in eight sessions, both at United Nations Headquarters and at the offices of the United Nations funds and programmes.

71. During the reporting period, the key priority for the Committee was to provide substantive and technical support to the Secretary-General in the development of a system-wide Code of Ethics for United Nations personnel, mandated by the General Assembly in resolution 60/1, paragraph 161 (d), on the 2005 World Summit Outcome and in resolution 60/254, paragraph 16 (a). The draft system-wide code of ethics has been formulated as a values-based framework built upon the purposes, values and principles espoused in the Charter of the United Nations, in applicable staff regulations and rules, as well as in the Standard of Conduct for the International Civil Service. In August 2008, the Secretary-General initiated a process of broad system-wide consultation on the draft code, which involved staff and management of the United Nations Secretariat, funds, programmes and specialized agencies, as well as staff representative bodies and the International Civil Service Commission. The comments and suggestions received from the consultation were thoroughly reviewed by the United Nations Ethics Committee who met in two sessions to revise and subsequently finalize the draft code for the consideration by the Secretary-General in February 2009. Details of the process of developing the Code of Ethics are provided in section V of the present report.

72. The United Nations Ethics Committee has exchanged information on policy development and implementation with a view to fostering a coherent approach in the application of ethical standards and policies in the United Nations. In addition to the development of the system-wide Code of Ethics, the Committee set the following priorities for its work in 2009: (a) review and harmonization of policies on protection against retaliation; (b) core ethics training; (c) coherence and coordination of financial disclosure programmes; (d) public information and outreach strategy; and (e) review of annual reports due to be submitted in 2009.

73. The United Nations Ethics Committee undertook a review of policies of member organizations on protection against retaliation, with a view to bridging gaps and ensuring coherence in their application. Research was conducted, for the purposes of building references and lessons, on protection policies of other United Nations entities, public international institutions and national Governments. Following thorough deliberations and building upon practical experience, the Committee agreed on the core elements necessary for an effective policy on protection against retaliation. Subsequently, the Committee developed a draft policy framework, within which member organizations could develop, define or refine their own policies. The draft policy has been under review by the Committee.

74. The Committee continued to devote much attention to ethics training during the reporting period. It reviewed the existing online ethics training programmes available in the member organizations with a view to defining core ethics training and considering practical alternatives for those that have not yet developed their own ethics training programmes due to budgetary constraints. In response to the need for certification of online ethics training in some organizations, efforts have been made by the Secretariat towards making technical adjustments to its mandatory

online training "Integrity awareness initiative" to allow for certification of users who are not staff of the Secretariat.

75. The Committee regularly exchanged views regarding the implementation of the policy on financial disclosure in member organizations to enhance coherence. Furthermore, with the agreement of Committee members, the Chairperson of the Committee recommended to the executive heads of UNDP, UNFPA and UNICEF that from the 2009 filing cycle onwards, all the staff of the ethics offices of their respective organizations file financial disclosure statements with the same entity that reviews the financial disclosure statements of the staff of the Ethics Office of the United Nations Secretariat. This recommendation has been fully implemented.

76. The United Nations Ethics Committee has been consulted by the Chairperson on cases from individual staff members of separately administered organs and programmes. These staff members requested a review of their cases by the Chairperson of the Committee under the terms of section 4.3 of Secretary-General's bulletin ST/SGB/2007/11, regarding allegations of retaliation for reporting misconduct or cooperating with duly authorized audits or investigations. During the period from 1 August 2008 to 31 July 2009, two cases were referred to the Chairperson of the Committee. In the first case, following consultation with the Ethics Committee, the Chairperson decided not to proceed to undertake an independent review. In the second case, on the basis of the information made available by the complainant, the Chairperson concurred with the conclusion of the ethics office of the concerned programme and consequently decided not to proceed with any further review.

77. Pursuant to section 5.4 of Secretary-General's bulletin ST/SGB/2007/11 regarding the review by the Committee of annual reports of the Ethics Offices of the United Nations Secretariat and the separately administered organs and programmes, during the current reporting period, the Committee considered the reports of the Ethics Offices of UNDP, UNFPA and the United Nations Secretariat.

78. In his report to the General Assembly at its sixty-third session (A/63/301), the Secretary-General recommended that in order for standards of ethics and integrity to be applied coherently and to enhance system-wide synergy, the Assembly encourage United Nations specialized agencies and other interested entities to engage themselves in the United Nations Ethics Committee on a broad basis and through an open mechanism. In response, the Assembly, in its resolution 63/250 on Human resources management, requested the Secretary-General to discuss with the executive heads of the specialized agencies, funds and programmes, within the framework of the United Nations System Chief Executives Board for Coordination (CEB), areas of possible cooperation and cost savings on ethics-related matters. Several specialized agencies have expressed their interest in participating in the United Nations Committee, and/or in having the Ethics Office of the United Nations Secretariat deliver the ethics functions for their agencies on a cost-sharing basis. The United Nations Ethics Committee has deliberated on various options with a view to bringing the process forward and facilitating effective system-wide participation.

V. System-wide Code of Ethics for United Nations personnel

79. As indicated in paragraph 71 of the present report, the General Assembly, in its resolutions 60/1 and 60/254, urged the Secretary-General to develop and finalize a system-wide Code of Ethics for United Nations personnel. Further, in resolution 63/250 on human resources management, section XII.5, the Assembly requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant. Accordingly, it is the intent of the Secretary-General to report on the process of developing the system-wide code of ethics for United Nations personnel and to submit the Code of Ethics, as contained in the annex to the present report, to the Assembly at its sixty-fourth session, for its endorsement.

80. The United Nations Ethics Committee assisted in preparing the draft system-wide Code of Ethics for United Nations personnel. The Code of Ethics is written as a short, concise statement of the core values and principles as espoused in the Charter of the United Nations, such as independence, loyalty, impartiality and integrity, to guide conduct and behaviour of United Nations personnel. It is meant to be values-based and aspirational in nature, instead of being rules-based and disciplinary.

81. The Code of Ethics as it stands now contains 12 core values and principles. These high-level values and principles are to be found in applicable staff regulations and rules, as well as the Standards of Conduct for the International Civil Service which set out specific standards of conduct, representing the Organization's interpretation of its core values and principles. The Code of Ethics is not meant to be legally binding or provide sanctions for breaches. Such sanctions are found in applicable staff regulations and rules.

82. In the process of developing the Code of Ethics, careful consideration was given in relation to existing codes of ethics and codes of conduct applicable to national public service in countries around the world in terms of geographical location, socio-economic development level and political systems, as well as those adopted by private sector businesses, professional associations and international institutions. Consideration was also given to the different systems and approaches to ethics and integrity as well as to lessons learned.

83. The Secretary-General initiated a system-wide consultation process on the draft code in August 2008, which encompassed management and staff of the global Secretariat; of the funds and programmes and specialized agencies, as well as the three staff representative bodies, namely the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA), the Federation of International Civil Servants' Associations (FICSA), the United Nations Civil Servants Federation and ICSC. During this process, the Secretary-General communicated with the individual heads of the funds, programmes and specialized agencies and other entities to request comments and suggestions. As at the end of November 2008, feedback had been received from 34 entities within the United Nations system. This included responses from 13 departments/offices within the global Secretariat; eight United Nations funds and programmes; nine specialized agencies; three staff representative bodies; and ICSC.

84. The United Nations Ethics Committee thoroughly reviewed all the comments and suggestions and submitted the revised draft code to the Secretary-General for his approval in February 2009. The Secretary-General communicated the approved text of the draft code to the members of CEB on 30 March 2009 and clearly indicated his desire that the specialized agencies consider using the Code of Ethics as a common guide in promoting ethical values and standards in their own organizations, in the spirit of "delivering as one".

85. Consideration and endorsement by the General Assembly will ensure that the governing body of the United Nations has clearly set out the core values and principles to guide the conduct and behaviour of United Nations personnel.

VI. Conclusion and recommendations

86. After more than three years in operation, the Ethics Office continued to assert its relevance and its role in fostering a culture of ethics, integrity and accountability within the United Nations while fulfilling its growing mandated responsibilities and overcoming budgetary and staff constraints.

87. The United Nations Ethics Committee has proved itself to be a useful mechanism to ensure a coherent application of ethics standards and enhance synergy within the United Nations, as demonstrated in the process of developing the system-wide Code of Ethics for United Nations personnel and harmonizing ethics-related policies and practices during the reporting period.

88. **The Secretary-General hereby submits the system-wide Code of Ethics for United Nations personnel, of which the full text is contained in the annex to the present report, to the General Assembly for its consideration and endorsement.**

Annex

Code of Ethics for United Nations Personnel

Preamble

Reaffirming the purposes, values and principles of the United Nations, as enshrined in its Charter, and the importance for the United Nations of securing the highest standards of efficiency, competence and integrity;

Pursuant to paragraph 161 of the 2005 World Summit Outcome document[1] urging the Secretary-General to scrupulously apply the existing standards of conduct and develop a system-wide code of ethics for all United Nations personnel;

Recognizing that it is imperative for the United Nations to cultivate and nurture a culture of ethics, integrity and accountability and thereby enhance the trust in, and the credibility of, the United Nations;

Reaffirming the Standards of Conduct for the International Civil Service as well as standards of conduct provided for in the relevant Staff Regulations and Rules and other relevant issuances of the United Nations;

The present Code of Ethics sets out the values and principles to guide the conduct and behaviour of United Nations personnel.

Values

Independence

United Nations personnel shall maintain their independence and shall not seek or receive instructions from any Government or from any other person or entity external to the United Nations and shall refrain from any action which might reflect negatively on their position as United Nations personnel responsible only to the United Nations.

Loyalty

Loyalty to the purposes, values and principles of the United Nations is a fundamental obligation of all United Nations personnel. They shall be loyal to the United Nations and shall, at all times, discharge their functions and regulate their conduct with the interests of the United Nations only in view.

Impartiality

United Nations personnel, in the performance of their official duties, shall always act with impartiality, objectivity and professionalism. They shall ensure that expression of personal views and convictions does not compromise or appear to compromise the performance of their official duties or the interests of the United Nations. They shall not act in a way that unjustifiably could lead to actual or perceived preferential treatment for or against particular individuals, groups or interests.

[1] See General Assembly resolution 60/1.

Integrity

United Nations personnel shall maintain the highest standards of integrity, including honesty, truthfulness, fairness and incorruptibility, in all matters affecting their official duties and the interests of the United Nations.

Accountability

United Nations personnel shall be accountable for the proper discharge of their functions and for their decisions and actions. In fulfilling their official duties and responsibilities, United Nations personnel shall make decisions in the interests of the United Nations. They shall submit themselves to scrutiny as required by their position.

Respect for human rights

United Nations personnel shall fully respect the human rights, dignity and worth of all persons and shall act with understanding, tolerance, sensitivity and respect for diversity and without discrimination of any kind.

Principles

Conflict of interest

United Nations personnel shall arrange their private interests in a manner that will prevent actual, potential or apparent conflicts of interest from arising, but if such a conflict does arise between their private interests and their official duties and responsibilities, the conflict shall be disclosed and resolved in favour of the interests of the United Nations.

Abuse of authority

United Nations personnel shall not use the authority entrusted to them, in particular by taking advantage of colleagues, beneficiaries or other individuals or groups, for financial, political, sexual or other gain.

Gifts, honours, favours or other benefits

United Nations personnel shall not solicit or accept gifts, honours, favours and/or other benefits from sources external to the United Nations that may bring into question their independence, impartiality and integrity, unless the acceptance of such gifts, honours, favours and/or other benefits is pursuant to applicable policies and regulations.

United Nations resources

United Nations personnel shall only use or allow the use of the resources of the United Nations, directly or indirectly, including its property, for authorized purposes.

Confidentiality of information

United Nations personnel shall not use information that is not generally available to the public for private gain, financial or otherwise, to benefit themselves or others

with whom they have personal, family or other ties, nor shall they disclose such information to the public without authorization. That duty continues to apply after the expiration of their service with the United Nations.

Post-employment

United Nations personnel shall not act in such a manner as to take improper advantage of their official functions and positions, including privileged information obtained from such functions and positions, when seeking employment or appointment after leaving their service with the United Nations.

Administration of the Code

The present Code of Ethics will be applicable to all United Nations personnel.

For the purposes of this Code, United Nations personnel includes United Nations staff and related personnel, such as United Nations Volunteers; personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors); experts on mission, including United Nations police officers; and members of national formed police units, corrections officers, military observers and military members of national contingents serving in United Nations peacekeeping missions.

The values and principles contained in the present Code of Ethics shall be reflected in the applicable standards of conduct provided for in the relevant staff regulations and rules and other relevant issuances of the United Nations, including the obligation to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action.

The present Code of Ethics shall enter into effect on ... (*date/month/year*).